

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

Vargas, Sergio

Debtor(s)

Case No. 12-bk-39593

Judge \_\_\_\_\_

Chapter 13

**AMENDED CHAPTER 13 PLAN AND MOTIONS**

☐ Original ☒ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: September 15, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor has paid \$14,746.00 to date, the Plan has lasted 45 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

**Certificate of Notice Page 2 of 7**

a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Capone &amp; Keefe, PC</b>	<b>Attorney fee</b>	<b>1,750.00</b>
<b>Internal Revenue Service</b>	<b>Taxes</b>	<b>8,208.13</b>
<b>State Of NJ - Div Of Taxation</b>	<b>Taxes</b>	<b>1,339.47</b>

**Part 4: Secured Claims****a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
<b>None</b>					

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>None</b>							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

Wells Fargo Hm Mortgage	Residence	342,580.00	4,576.00
-------------------------	-----------	------------	----------

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**Gm Financial**

**e. Secured Claims to Be Paid in Full Through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-petition claims** The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/14/2014

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified.
<b>The Debtor has been unable to sell the residence, therefore he wants to surrender the property.</b>	

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: **September 15, 2016**

**/s/ Marc Capone**

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: **September 15, 2016**

**/s/ Sergio Vargas**

Debtor

Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Sergio Vargas  
 Debtor

Case No. 12-39593-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 33

Date Rcvd: Sep 16, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 18, 2016.

db Sergio Vargas, 1 Fielek Ter, Parlin, NJ 08859-2011  
 sp +Kenneth M. Harrell, Harrell, Smith & Williams, LLC, 767 Central Avenue,  
 Westfield, NJ 07090-2528  
 513592316 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
 (address filed with court: Americredit Financial Services, Inc., PO Box 183853,  
 Arlington TX 76096)  
 513568012 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Cap One, PO Box 85520, Richmond, VA 23285-5520)  
 513568013 Coll Recv Sv, 29 Regency Plz, Glen Mills, PA 19342-1001  
 513568016 Gm Financial, PO Box 181145, Arlington, TX 76096-1145  
 513568017 Goodyr/cbna, PO Box 6497, Sioux Falls, SD 57117-6497  
 513568020 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846  
 513568021 Revenue Recovery Corp, 612 Gay St, Knoxville, TN 37902-1603  
 513568022 Rymr And Flnign, CscI Dispute Team, Des Moines, IA 50306  
 513696655 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State Of New Jersey, Division Of Taxation, Bankruptcy Section,  
 PO Box 245, Trenton, NJ 08695-0245)  
 513568023 Sa-vit Enterprises, 46 W Ferris St, East Brunswick, NJ 08816-2159  
 513568025 Sears/cbna, PO Box 6282, Sioux Falls, SD 57117-6282  
 513568026 State Of NJ - Div Of Taxation, PO Box 283, Trenton, NJ 08602-0283  
 513568027 State Of NJ - Division Of Taxation, Federal Offset Program, PO Box 283,  
 Trenton, NJ 08602-0283  
 513568028 Susan Vargas, 13 Vermeer Dr- Apt. 7, South Amboy, NJ 08879-2346  
 513568029 Thd/cbna, PO Box 6497, Sioux Falls, SD 57117-6497  
 513568030 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,  
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203  
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,  
 Frederick, MD 21701-4747)  
 513648799 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438  
 513818028 +Wells Fargo Bank, N.A., c/o Zucker Goldberg & Ackerman, 200 Sheffied Street, Suite 301,  
 Mountainside, NJ 07092-2315  
 513820350 +Wells Fargo Bank, N.A., ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd.,  
 Fort Mill, SC 29715-7203

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 16 2016 23:36:17 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 16 2016 23:36:12 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 513568019 E-mail/Text: cio.bncmail@irs.gov Sep 16 2016 23:35:43 Department of the Treasury,  
 Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346  
 513578795 E-mail/Text: mrdiscen@discover.com Sep 16 2016 23:35:32 Discover Bank,  
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
 513568014 E-mail/Text: mrdiscen@discover.com Sep 16 2016 23:35:32 Discover Fin Svcs Llc,  
 PO Box 15316, Wilmington, DE 19850-5316  
 513720426 E-mail/PDF: gecsedirecoverycorp.com Sep 16 2016 23:26:42 GE Capital Retail Bank,  
 Attn: Bankruptcy Department, PO Box 960061, Orlando FL 32896-0661  
 513568015 E-mail/PDF: gecsedirecoverycorp.com Sep 16 2016 23:27:10 Geocrb/care Credit,  
 950 Forrer Blvd, Kettering, OH 45420-1469  
 514227052 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Sep 16 2016 23:36:30 JEFFERSON CAPITAL SYSTEMS LLC,  
 PO BOX 7999, ST CLOUD MN 56302  
 514227053 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Sep 16 2016 23:36:30 JEFFERSON CAPITAL SYSTEMS LLC,  
 PO BOX 7999, ST CLOUD MN 56302, JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999,  
 ST CLOUD MN 56302  
 513751012 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfolio recovery.com Sep 16 2016 23:27:14  
 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541  
 513568024 E-mail/PDF: pa\_dc\_claims@navient.com Sep 16 2016 23:26:52 Sallie Mae, PO Box 9500,  
 Wilkes Barre, PA 18773-9500  
 513844059 +E-mail/PDF: pa\_dc\_claims@navient.com Sep 16 2016 23:27:37 Sallie Mae PC Trust,  
 c/o Sallie Mae Inc., 220 Lasley Ave, Wilkes-Barre, PA 18706-1496

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

513627570\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
 PHILADELPHIA PA 19101-7346  
 (address filed with court: Internal Revenue Service, 955 S Springfield Ave., Bldg A,  
 Springfield, NJ 07081-0000)  
 513568018\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
 PHILADELPHIA PA 19101-7346  
 (address filed with court: Internal Revenue Service, PO Box 9019,  
 Holtsville, NY 11742-0000)

TOTALS: 0, \* 2, ## 0

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 33

Date Rcvd: Sep 16, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 18, 2016

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Angela Catherine Pattison on behalf of Creditor Wells Fargo Bank, N.A.  
angela.pattison@powerskirn.com, ecf@powerskirn.com  
Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A.  
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com  
Marc C. Capone on behalf of Debtor Sergio Vargas mcapone@caponeandkeefe.com,  
docs@caponeandkeefe.com

TOTAL: 6